

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JACOB JAMES BERNARDS,

Plaintiff,

v.

PROD HOLDING, INC. et al.,

Defendants.

No. 3:24-cv-01522-JR

OPINION AND ORDER

**BAGGIO, District Judge:**

On February 10, 2025, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (“F&R”), ECF 12, recommending that this Court dismiss Plaintiff’s Third Amended Complaint (“TAC”), ECF 11, for failure to state a claim upon which relief may be granted with prejudice. Plaintiff did not file timely written objections to Magistrate Judge Russo’s F&R pursuant to 28 U.S.C. § 636, but did file a Motion for Order/Judgment, ECF 15, that presented further allegations and new legal references. The Court will construe Plaintiff’s Motion as setting forth timely objections given the liberal standards applied to pro se filings. *Boquist v. Courtney*, 32 F.4th 764, 774 (9th Cir. 2022). This Court ADOPTS Judge Russo’s F&R, ECF 12, in full.

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. 28 U.S.C. § 636(b)(1)(C). If a party objects, the court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendation to which objection is made.” *Id.* § 636(b)(1)(C). The court is not, however, required to review, de novo or under any other standard, the factual or legal conclusions of the

magistrate judge as to those portions of the F&R to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Ramos*, 65 F.4th 427, 433 (9th Cir. 2023). While the level of scrutiny that the court applies to its F&R review depends on whether a party has filed objections, the court is free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C); *see also Thomas*, 474 U.S. at 154.

The Court has carefully considered Plaintiff's objections and concludes that there is no basis to modify the F&R. The Court has also reviewed the pertinent portions of the record de novo and finds no error in Judge Russo's F&R.

### CONCLUSION

The Court ADOPTS Judge Russo's Findings and Recommendation, ECF 12. Therefore, Plaintiff's TAC is DISMISSED without leave to amend and this case is DISMISSED with prejudice.

IT IS SO ORDERED.

DATED this 27th day of February, 2025.

  
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AMY M. BAGGIO  
United States District Judge